

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

KATHLEEN C. PEREA,

Plaintiff,

vs.

No. CIV-13-00697 KG/LAM

JANIE S. CONNER and  
STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY,

Defendants.

ORDER

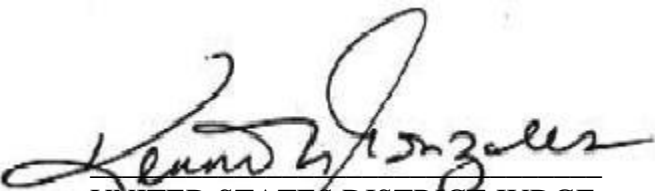
THIS MATTER comes before the Court upon Defendant Conner's Motion to Limit Untimely Designated Expert Testimony, or Motion in Limine and Memorandum in Support Thereof (Motion to Limit Expert Testimony) (Doc. 121), filed June 13, 2014; and Defendant Conner's Motion and Memorandum to Preserve Testimony, or in the alternative, Allow Testimony at Trial by Videoconferencing (Doc. 312), filed January 29, 2015. The parties filed responses and replies to the pending motions. *See* (Docs. 160, 180, 319, and 325). On March 4, 2015, the Court held a telephonic hearing on the aforementioned matters. Present at the hearing were James Wood, counsel for Plaintiff, and John Stiff, counsel for Defendants. For the reasons on the record at the March 4, 2015, telephonic hearing, the Court hereby rules as follows:

1. the Court grants, in part, and denies, in part, Defendant Conner's Motion to Limit Expert Testimony (Doc. 121), filed June 13, 2014. The Court denies as moot Defendant Conner's Motion to Limit Expert Testimony as to Dr. Susan Bright per the parties' stipulation that neither party will call Dr. Susan Bright during the jury trial. The Court denies Defendant Conner's Motion to Limit Expert Testimony as to Dr. Steve Martinez, and reserves ruling as to

the reliability and admissibility of Dr. Steve Martinez's testimony and any rebuttal expert testimony until the April 7, 2015, *Daubert* hearing. Defendant Conner may retain a rebuttal expert in anticipation of Dr. Steven Martinez's testimony. Defendant Conner must disclose the rebuttal expert on or before March 13, 2015. Additionally, the parties may conduct a deposition of Defendant Conner's rebuttal expert. The deposition must be concluded before the April 7, 2015, *Daubert* hearing. The deposition shall not exceed three (3) hours, 1.5 hours for each side, at the time and location agreed to by the parties. Finally, the Court grants Defendant Conner's Motion to Limit Expert Testimony with respect to Officer Brian Waller, more specifically, Officer Brian Waller may not testify to causation or accident reconstruction. Officer Brian Waller, however, may testify as a lay witness pursuant to Fed. R. Evid. 701; and

2. the Court denies as moot Defendant Conner's Motion and Memorandum to Preserve Testimony, or in the alternative, Allow Testimony at Trial by Videoconferencing (Motion to Preserve Testimony) (Doc. 312), filed January 29, 2015, as to the Records Custodians for OnStar Corporation and All State Insurance per the parties' stipulation. The Court denies Defendant Conner's Motion to Preserve Testimony as to Dr. William Wengs, Dr. Michael Baten, and Dr. Gerald H. Russell.

IT IS SO ORDERED.



UNITED STATES DISTRICT JUDGE